

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

MIDWEST TERMINALS OF TOLEDO)	
INTERNATIONAL, INC.)	
)	
Petitioners/Cross-Respondents)	Nos. 15-1126
)	15-1168
v.)	
)	
NATIONAL LABOR RELATIONS BOARD)	
)	
Respondent/Cross-Petitioner)	
)	

DECLARATION OF RONALD L. MASON

Pursuant to 28 U.S.C. § 1746, I, Ronald L. Mason, hereby declare as follows:

1. That he has been an attorney for Midwest Terminals of Toledo International, Inc., (“Petitioner” or “Midwest”) since July 12, 2012 and entered into a legal services agreement with Midwest to represent it in this matter.
2. That he is a graduate of the Dayton School of Law (J.D. 1978) and the Georgetown University Law Center (LL.M 1983) (Masters in Labor Law).
3. That he is presently engaged in private practice with an area of specialty in labor relations with Mason Law Firm Company, L.P.A. (“Mason Law Firm”).
4. That he is the Principal of Mason Law Firm and has been since its December 15, 2001 inception.
5. That prior to creating Mason Law Firm he was a member of Kegler, Brown, Hill & Ritter located in Columbus, Ohio.
6. Declarant has represented numerous employers in cases before federal agencies, including the National Labor Relations Board, and in litigation in state and federal courts including the 2nd Circuit Court of Appeals, 4th Circuit Court of Appeals, 6th Circuit Court of Appeals and the D.C. Circuit Court of Appeals.

7. Declarant is admitted to practice law in the State of Ohio and the State of Georgia and is an active member of both bars.

8. My current billing rate for is \$370.00 per hour. In 2013, my billing rate was \$345.00 per hour; in 2014 my billing rate was 345.00 per hour; in 2015 (January through June), my billing rate was 345.00 per hour; on July 1, 2015 my rate increased to \$355.00 per hour; in 2016 (January through March) my billing rate was \$355.00 per hour; on April 1, 2016 my rate increased to \$360.00 per hour; in 2017 (January through June) my rate increased to \$365.00 per hour; and on July 1, 2017 my rate increased to \$370 per hour.

9. Aaron Thomas Tulencik, Esq., is currently a shareholder in Mason Law Firm. Mr. Tulencik is a graduate of the Oklahoma University School of Law (J.D. 2000). Mr. Tulencik has worked at Mason Law Firm since August 2007. Prior to joining Mason Law Firm Mr. Tulencik was an attorney at Porter, Wright, Morris & Arthur in Columbus, Ohio. Mr. Tulencik has represented Midwest in this matter since July 12, 2012, when Mason Law Firm was retained by Midwest.

10. Mr. Tulencik has represented numerous employers in cases before the National Labor Relations Board, and in litigation in state and federal courts including the 6th Circuit Court of Appeals and the D.C. Circuit Court of Appeals.

11. Mr. Tulencik's current billing rate is \$270.00 per hour. In 2013 (January through July) his billing rate was 225.00. per hour; On August 1, 2013 Mr. Tulencik's rate increased to \$245.00 per hour; in 2014, his billing rate was \$245.00 per hour; in 2015 his billing rate remained at \$245.00 per hour through June 30; on July 1, 2015, his billing rate increased to \$255.00 per hour; in 2016 his billing rate remained at \$255.00 per hour through March 2016; on April 1, 2016 his billing rate increased to 260.00 per hour; on January 1, 2017 his billing rate increased to 265.00 per hour; and on July 1, 2017 his billing rate increased to \$270.00 per hour.

12. Applicant is seeking attorneys' fees, costs and expenses since July 12, 2012, its date of hire.

13. Attached hereto as Exhibit 1 and made a part hereof is a true and correct copy of relevant portions of Mason Law Firm's billing statements, which supports the instant request for attorneys' fees, costs, and expenses. It is a detailed billing report regarding 1) the time spent by and services performed contributing to the representation of Midwest in the above captioned matter, and 2) the cost of its

expenses in connection with such representation, including the appeal filed in the D.C. Circuit, Case No. 15-1126.

14. As the attachment shows, the undersigned and Mr. Tulencik have spent a total of six hundred eighty one hours and fifteen minutes (681.25) [153 – D.C. Circuit Court Appeal and 528.25 NLRB litigation] preparing, presenting and appealing this case. This expenditure of time is due to the fact that Mason Law Firm is the firm that tried this action and participated in the preparation of all of Petitioner's documents, briefs, memoranda, motions, and trial time.

15. Midwest was the Respondent in numerous unfair labor practice charges filed by Local 1982, International Longshoremen's Association ("Local 1982" or "union") and individual members of Local 1982. Case No. 8-CA-39082 was filed on December 30, 2008 by Otis Brown and amended on March 24, 2009. Case No. 8-CA-38581 was filed by Miguel Rizo, Jr. on September 24, 2009. Case No. 8-CA-38627 was filed by Otis Brown on October 21, 2009. On November 30, 2009 the Regional Director issued a Complaint and Notice of Hearing in Case No. 8-CA-38581. On December 23, 2009, the Regional Director issued an Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing in Case No.'s 8-CA-38581 and 8-CA-38627. Case No. 8-CA-63901 was filed by the union on September 6, 2011. On November 29, 2011 the Regional Director issued a Second Order Consolidating Cases, Second Amended Consolidated Complaint and Notice of Hearing in Case No.'s 8-CA-38581, 8-CA-38627 and 8-CA-63901. Case No. 8-CA-73735 was filed by the union on February 3, 2012. On May 31, 2012, the Regional Director issued a Third Order Consolidating Cases, Third Amended Consolidated Complaint and Notice of Hearing in Case No.'s 8-CA-38581, 8-CA-38627, 8-CA-63901 and 8-CA-73735. Case No. 8-CA-92476 was filed on December 12, 2012. On February 26, 2013, The Regional Director issued a Fourth Order Consolidating Cases, Fourth Amended Consolidated Complaint and Notice of Hearing in Case No.'s 8-CA-38581, 8-CA-38627, 8-CA-63901, 8-CA-73735 and 8-CA-38092. On March 28, 2013 the Regional Director issued a Fifth Order Consolidating Cases, Fifth Amended Consolidated Complaint and Notice of Hearing in Case No.'s 8-CA-38581, 8-CA-38092, 8-CA-38627, 8-CA-63901, 8-CA-73735 and 8-CA-92476. The Fifth Amended Complaint alleged violations of 8(a)(1), (3), (4) and (5) of the National Labor Relations Act (the "Act".)

16. Midwest filed an Answer and Amended Answer to the Fourth Consolidated Complaint on March 12, 2013 and the Fifth Consolidated Complaint on April 11, 2013. ALJ Carissimi references this Complaint as the "First Complaint" in his decision.

17. Case No. 8-CA-97760 was filed by the union on February 6, 2013. Case No. 8-CA-98016 was filed by Mark Lockett on February 11, 2013. On April 29, 2013, the Regional Director an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in Case No.'s 8-CA-97760 and 8-CA-98016. The Complaint alleged violations of 8(a)(1), (3) and (5) of the Act.

18. Midwest filed an Answer to the Consolidated Complaint on May 13, 2013. ALJ Carissimi references this Complaint as the "Second Complaint" in his decision.

19. On May 3, 2013, the Regional Director issued an order consolidating all of the above cases for hearing.

20. On March 12, 2013, and continuously thereafter, Midwest alleged as an Affirmative Defense that the Complaints issued in this matter were *ultra vires* because General Counsel Lafe Solomon did not properly hold the position of General Counsel and, therefore, the Complaints should be dismissed.

21. Five (5) of the eight (8) unfair labor practice charges at issue were filed, investigated, defended by two (2) separate law firms and ultimately deemed by the Regional Director for Region 8 to have merit before Mason Law Firm was hired to represent Petitioner.

22. Accordingly, in order to adequately prepare for trial the undersigned and Mr. Tulencik had to review the unfair labor practice case files and the evidence presented. Additionally, the undersigned and Mr. Tulencik also reviewed the case files of the all the unfair labor practice charges filed by both the union and individuals of members the union against Petitioner and those charges filed by the Petitioner against the union in order to familiarize themselves with potentially helpful or harmful evidence or testimony presented in said cases which could be relevant to the issues being litigated in the administrative proceeding.

23. The Hearing was held before ALJ Mark Carissimi on June 10-14, 2013 and August 21, 2013. During the 6 day hearing, twelve witnesses testified – some of which testified multiple times – and approximately 130 exhibits were introduced into evidence.

24. The transcript totaled just over 1,000 pages.

25. The post hearing brief to the ALJ required extensive analysis of the record to address each and every argument presented or inferred by the Acting General Counsel.

26. ALJ Carissimi issued his decision on November 12, 2013.

27. Both Petitioner and the Acting General Counsel filed Exceptions with the Board. The Exceptions again required extensive analysis of the record and ALJ Carissimi's decision to address each and every adverse ruling against Midwest as well as the reasoning applied by ALJ Carissimi to support his adverse rulings. Midwest submitted a total of three (3) briefs; Exceptions and Brief in Support, an Answering Brief to the General Counsel's Exceptions and Brief in Support and a Reply to the General Counsel's Answering Brief.

28. March 31, 2015, the Board affirmed ALJ Carissimi's rulings, findings, and conclusions. Both ALJ Carissimi and the Board wholly disregarded Midwest's affirmative defense that Complaint issued against Midwest was *ultra vires* because Acting General Counsel Lafe Solomon did not properly hold the position of General Counsel.

29. Accordingly, Mason Law Firm filed a timely appeal with this Court of the Board's March 31, 2015 decision.

30. On August 7, 2015, this Court dismissed the General Counsel's Complaint issued against SW General and vacated the Board's decision issued against SW General, determining that Acting General Counsel Lafe Solomon did not have the authority to issue the complaint in the matter therein and, as such the complaint was not valid. See, *NLRB v. SW General*, 796 F.3d 67 (D.C. Cir. 2015) *affr'd*, *NLRB v. SW General, Inc.*, 137 S. Ct. 929 (March 21, 2017). Likewise, Midwest completely prevailed on the claims set forth in the First and Second Complaint when on July 14, 2017 this Court vacated the Board's March 31, 2015 decision because Acting General Counsel Lafe Solomon did not lawfully hold the position of General Counsel, and, therefore, the complaint against Midwest was invalid.

31. Midwest is claiming attorneys' fees for its counsel pursuant to the Equal Access to Justice Act ("EAJA") at the statutory rate of \$125.00 per hour. Further, Midwest is requesting an increase to the base statutory rate to reflect the increase in the cost of living from 1996-2017 to no less than the following: \$187.19 per hour for 2013; \$188.14 per hour for 2014; \$191.08 per hour for 2015; 191.18 for 2016 and \$196.42 for 2017. I obtained these numbers by using the Consumer

Price Index All Urban Consumers (“CPI-U”). Specifically, I divided the CPI-U for the year the services were rendered, by the baseline CPI-U for March 1996 [\$155.70] when Congress set the \$125 per cap under the EAJA. See, CPI-U attached hereto as Exhibit 2. I then applied the resulting multiplier to the statutory rate of \$125 to determine the adjusted hourly rate for each of the years Mason Law Firm performed billable work.

32. Using the above, the adjusted hourly rates are as follows:

2013 – Mason Law Firm performed billable work in February [232.166], March [232.773], April [232.531], May [232.945], June [233.504], July [233.596], August [233.877], September [234.149], November [233.069] and December [233.049]. I then added the CPI-U for those months and divided by 10, the number of months the firm performed billable work. That number equaled 233.1659, which I then divided by 155.7, the March 1996 CPI-U. The resulting multiplier totaled 1.49753308. Next, I multiplied the statutory rate of \$125 by 1.49753308. This resulted in an adjusted hourly rate of **\$187.19** for billable work performed in 2013.

2014 – Mason Law Firm performed billable work in January [233.916] and February [234.781]. I then added the CPI-U for those months and divided by 2, the number of months the firm performed billable work. That number equaled 234.3485, which I then divided by 155.7, the March 1996 CPI-U. The resulting multiplier totaled 1.50512845. Next, I multiplied the statutory rate of \$125 by 1.50512845. This resulted in an adjusted hourly rate of **\$188.14** for billable work performed in 2014.

2015 – Mason Law Firm performed billable work in June [238.638], August [238.316], September [237.945], October [237.838] and November [237.336]. I then added the CPI-U for those months and divided by 5, the number of months the firm performed billable work. That number equaled 238.0146, which I then divided by 155.7, the March 1996 CPI-U. The resulting multiplier totaled 1.52867437. Next, I multiplied the statutory rate of \$125 by 1.52867437. This resulted in an adjusted hourly rate of **\$191.08** for billable work performed in 2015.

2016 – Mason Law Firm performed billable work in March [238.132]. Accordingly, I divided 238.321 by 155.7, the March 1996 CPI-U. The resulting multiplier totaled 1.52942839. Next, I multiplied the statutory rate of \$125 by 1.52942839. This resulted in an adjusted hourly rate of **\$191.18** for billable work performed in 2016.

2017 – Mason Law Firm performed billable work in March [243.801], April [244.524], July [244.786] and August [245.519]. I then added the CPI-U for those months and divided by 4, the number of months the firm performed billable work. That number equaled 244.6575 which I then divided by 155.7, the March 1996 CPI-U. The resulting multiplier totaled 1.57133911. Next, I multiplied the statutory rate of \$125 by 1.57133911. This resulted in an adjusted hourly rate of **\$196.42** for billable work performed in 2017.

33. Mason Law Firm has expended a total of hours litigating this matter: 425.25 @ \$187.19 per hour in 2013 totaling \$79,462.16; 104 @ \$188.14 per hour in 2014 totaling \$19,566.56; 82 @ \$191.08 per hour in 2015 totaling 15,668.56; 1.75 @ \$191.18 in 2016 totaling \$334.57; and 106.5 @196.42 in 2017 totaling \$18,043.23. Therefore, the total amount expended to date by Mason Law Firm defending Midwest against an invalid, unlawful Complaint on behalf of Midwest to the unlawful Complaint issued by the Acting General Counsel, including the appeal to the D.C. Circuit is \$133,075.08.

34. Mason Law Firm is also seeking reimbursement of the following costs directly related to the administrative hearing conducted on June 10 – 15, 2013 and August 21, 2013:

- Lodging and Meals \$1438.21
- Parking \$125.00
- Mileage Reimbursement \$442.40
- Witness Fees \$387.48
- Transcript Fees \$3062.60
- Total \$5455.69

These fees are clearly delineated in the itemized bills (March, May, July, September and October 2013 bills) and transcript fee attached hereto as Exhibit 3.

35. Accordingly, the total amount of fees and costs Midwest is seeking in this matter is \$138,530.77. This totals only 66.7% of the actual fees and costs expended in this matter.

36. The total amount expended by Mason Law Firm on behalf of Midwest to date in this case for defending the unlawful Complaint issued by the Acting

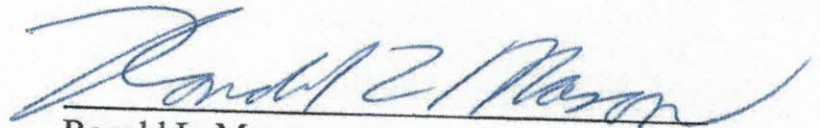
General Counsel, including the appeal to the D.C. Circuit is \$207,707.24 (\$60,284.00 – D.C. Circuit Court Appeal and \$147,423.24 – NLRB litigation]. The total figure includes all costs which are clearly delineated on the bills attached hereto. Included in the final number, but not included in bills is a fee for \$2,637.60 fee for a hearing transcript. Said fee was paid directly by Midwest to the court reporter.

37. The total fees noted for the D.C. Circuit do not include any hours expended on work related to recalling this Court's July 14, 2017 Mandate or the Petition for Rehearing or Rehearing En Banc. Midwest is not seeking reimbursement for said hours.

38. Mason Law Firm reserves the right to provide a detailed itemized statement related to the preparation of this EAJA application and additional pleadings related thereto once all billing related to the EAJA Application is complete.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: October 20, 2017.



Ronald L. Mason

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NLRB Case 08-CA-038092

Fees

		Rate	Hours	
02/08/2013	Conference with NLRB. Prepare correspondence to client regarding NLRB Complaint to be set for trial.	345.00	1.00	345.00
02/09/2013	Review and prepare correspondence.	345.00	0.25	86.25
02/12/2013	Conferences with NLRB regarding trial on outstanding issues. Prepare correspondence.	345.00	1.25	431.25
02/19/2013	Review and prepare correspondence. Review documents.	345.00	1.00	345.00
	For Current Services Rendered		3.50	1,207.50

Title	Recapitulation Hours	Rate	Total
Senior Partner	3.50	\$345.00	\$1,207.50

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Fees

		Rate	Hours	
03/01/2013	Review and prepare a number of correspondence related to NLRB trial. Conference with NLRB regarding same.	345.00	1.50	517.50
03/12/2013	Work on Answer to Complaint. Revise and edit same.	345.00	1.25	431.25
03/12/2013	Review and analyze Fourth Amended Complaint; Compare to Third Amended Complaint; correspondence with Ron regarding same; draft Answer to Complaint; review, edit and finalize same; file same with Board via e-file.	225.00	3.25	731.25
	For Current Services Rendered		6.00	1,680.00

	Recapitulation			
<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>	
Senior Partner	2.75	\$345.00	\$948.75	
Partner	3.25	225.00	731.25	

Total Current Work	1,680.00
Previous Balance	\$1,207.50

Payments

Total Payments Thru 03/31/2013	-1,207.50
Balance Due	<u>\$1,680.00</u>

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Fees

		Rate	Hours	
04/08/2013	Review and prepare correspondence. Conference with NLRB.	345.00	0.75	258.75
04/08/2013	Review Fifth Amended Complaint.	225.00	0.25	56.25
04/10/2013	Prepare Answer to Fifth Amended Complaint; review, edit and finalize same; e-file.	225.00	0.50	112.50
04/15/2013	Conference call with Judge regarding pre-trial issues. Work on NLRB trial issues.	345.00	2.25	776.25
04/15/2013	Conference call with ALJ and Opposing Counsel regarding upcoming trial.	225.00	0.50	112.50
04/18/2013	Correspondence with Board Agent regarding 8-CA-97760.	225.00	0.25	56.25
04/19/2013	Review correspondence from NLRB regarding settlement. Review and prepare correspondence.	345.00	1.25	431.25
04/19/2013	Correspondence with Cheryl Sizemore regarding possible settlement.	225.00	0.50	112.50
04/22/2013	Conference call with ALJ and Opposing Counsel regarding upcoming trial; correspondence with Cheryl Sizemore regarding possible settlement.	225.00	1.00	225.00
04/24/2013	Begin prepping for trial. Interoffice conference.	225.00	2.25	506.25
04/25/2013	Continue prepping for trial; correspondence with client throughout the day regarding same.	225.00	3.75	843.75
04/29/2013	Review correspondence from Cheryl Sizemore indicating what is needed for compliance with subpoena; correspondence with Ron and client regarding same; continued correspondence with Cheryl Sizemore regarding possible settlement; correspondence with client throughout the day regarding information needed for trial.	225.00	1.75	393.75
04/30/2013	Review and prepare numerous correspondence. Conferences with NLRB.	345.00	1.25	431.25
04/30/2013	Correspondence with Cheryl Sizemore regarding General Counsel's			

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	Rate	Hours	
Subpoena; correspondence with client regarding same; draft subpoena for Andre Joseph; draft petition to Partially Revoke General Counsel's Subpoena; review, edit, finalize and file same; prep for trial; correspondence with client regarding same.	225.00	5.25	1,181.25
For Current Services Rendered		21.50	5,497.50

Title	Recapitulation		Total
	Hours	Rate	
Senior Partner	5.50	\$345.00	\$1,897.50
Partner	16.00	225.00	3,600.00

Advances

04/01/2013	Online legal research - Lexis-Nexis (March).	24.26
04/30/2013	Subpoenas - Witness Fees and Mileage Charges - Andre Joseph.	387.48
	Total Advances	411.74
	Total Current Work	5,909.24
	Previous Balance	\$1,680.00
	Balance Due	<u>\$7,589.24</u>

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Fees

		Rate	Hours	
05/02/2013	Draft Motion to postpone and reschedule Hearing; review, edit and finalize same; file via e-file.	225.00	1.25	281.25
05/03/2013	Attend telephone conference with NLRB. Numerous conference calls with NLRB trying to obtain an agreement to move trial dates and consolidate cases.	345.00	1.00	345.00
05/03/2013	Conference call with ALJ and opposing counsel regarding motion to postpone and reschedule Hearing; continue prepping for trial pending ruling on Motion to postpone.	225.00	2.75	618.75
05/06/2013	Review and prepare correspondence. Conferences with NLRB regarding trial dates.	345.00	1.25	431.25
05/06/2013	Trial prep; review and analyze Squire Sanders trial notebooks and ulp notebooks for relevant Position Statements and affidavits.	225.00	4.50	1,012.50
05/07/2013	Trial prep; continued review of Squire Sanders trial notebooks and ulp notebooks for relevant Position Statements and affidavits; continue reviewing case law regarding ripeness and motions to dismiss.	225.00	5.25	1,181.25
05/08/2013	Trial prep; continue to review and analyze Squire Sanders trial notebooks and ulp notebooks for relevant Position Statements and affidavits.	225.00	2.75	618.75
05/10/2013	Continued correspondence with client regarding Answer to Complaint in 8-CA-97760 and 98016; continue to prep for trial.	225.00	2.50	562.50
05/13/2013	Work on preparation for trial.	345.00	3.25	1,121.25
05/13/2013	Review , edit and finalize Answer to Complaint in 8-CA-97760 and 98016; file same with Board via e-file; review, edit and finalize motion to dismiss Union's Complaint seeking to compel arbitration; file with court via e-file; continued review of Squire Sanders Position Statements, affidavit in preparation for trial.	225.00	2.75	618.75
05/14/2013	Review correspondence from NLRB. Continue trial preparation.			

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		Rate	Hours	
	Interoffice conference regarding same.	345.00	2.75	948.75
05/14/2013	Continued trial preparation; begin reviewing Position Statements filed by client and Mason Law Firm relevant to the charges to be litigated at trial; continued review of Squire Sanders Position Statements, affidavits and relevant documents submitted to Region 8.	225.00	4.75	1,068.75
05/20/2013	Attend conference with NLRB pretrial hearing. Interoffice conferences regarding settlement issues that ALJ asked parties to work on. Review and prepare correspondence.	345.00	1.25	431.25
05/20/2013	Trial prep; review CB cases in Squire Sanders ULP notebooks for charges, documents and affidavits related to charges to be litigated in upcoming trial; conference call with opposing counsel and ALJ; correspondence with Region and client regarding information needed to explore possible settlement.	225.00	3.25	731.25
05/21/2013	Work on NLRB trial issues. Conferences with NLRB regarding ALJ and issues in settlement agreement that are incorrect.	345.00	1.75	603.75
05/21/2013	Trial prep; continued review of CB cases in Squire Sanders ULP notebooks for charges, documents and affidavits related to charges to be litigated in upcoming trial; continued correspondence with client regarding information needed to be submitted to Region for possible settlement and subpoena issue regarding truck records.	225.00	3.75	843.75
05/22/2013	Review and prepare correspondence. Conferences with NLRB. Work on trial issues. Interoffice conferences.	345.00	2.75	948.75
05/22/2013	Trial prep; continue reviewing CB cases in Squire Sanders ULP notebooks for charges, documents and affidavits related to charges to be litigated in upcoming trial; continued correspondence with client regarding information needed to be submitted to Region in order for Region to draft proposed settlement agreement.	225.00	3.50	787.50
05/23/2013	Correspondence with Region 8 regarding information needed to calculate settlement numbers and draft proposed settlement.	225.00	0.50	112.50
05/24/2013	Review and prepare numerous correspondence.	345.00	0.25	86.25
05/24/2013	Review Region 8's proposed settlement agreement; correspondence with Ron, opposing counsel and Region 8 regarding same.	225.00	1.00	225.00
05/29/2013	Draft Petition to Revoke Counsel for the General Counsel's Subpoena; review, edit and finalize same; file with Board via e-file.	225.00	0.75	168.75
	For Current Services Rendered		53.50	13,747.50

Recapitulation			
Title	Hours	Rate	Total
Senior Partner	14.25	\$345.00	\$4,916.25
Partner	39.25	225.00	8,831.25

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Total Current Work	13,747.50
Previous Balance	\$7,589.24
<u>Payments</u>	
Total Payments Thru 05/31/2013	-7,589.24
Balance Due	<u>\$13,747.50</u>

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Fees

		Rate	Hours	
06/05/2013	Correspondence with NLRB involving trial issues. Review subpoena issues and analysis of same.	345.00	1.25	431.25
06/05/2013	Review of Position Statements and exhibits submitted to Region by client and/or Mason Law Firm pertaining to the charges at issue in the upcoming Hearing, taking note of documents needed and who can offer testimony; review notes submitted by client of April 20, 2010 meeting with Otis Brown, the union and the Company related to the various grievances filed by Brown; review Judges' Order Denying our Motion to Partially Quash Subpoena; correspondence with client regarding same and laying out options moving forward; create trial notebook.	225.00	5.75	1,293.75
06/06/2013	Numerous correspondence regarding trial issues. Review documents and prepare for trial. Address proposed discipline for ILA jurisdictional dispute strikers.	345.00	6.50	2,242.50
06/06/2013	Correspondence with client regarding various Orders of Call; review same; correspondence with Sizemore regarding possible stipulations with respect to certain Company exhibits and whether or not Company had more legible records for certain items she had received over the years through her investigation of charges filed against the Company; correspondence with client regarding same.	225.00	0.75	168.75
06/07/2013	Numerous correspondence regarding trial issues, pretrial conferences, settlement discussions, witness attendance at trial. Trial preparation.	345.00	5.25	1,811.25
06/07/2013	Review documents submitted by Andre Joseph pursuant to subpoena; review documents to be submitted to Region 8 pursuant to subpoena paying particular attention to Company's bargaining notes; gather, organize and label documents to be used as exhibits during trial; correspondence throughout the day with Region 8 and Judge Carissimi regarding witness availability vs. the need for the Company to have enough qualified men to unload the barge.	225.00	10.25	2,306.25
06/08/2013	Prepare witness outlines.	225.00	5.75	1,293.75

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		Rate	Hours	
06/09/2013	Travel to Toledo. Final review of materials before trial.	345.00	4.75	1,638.75
06/09/2013	Continue preparing witness outlines; review, edit and finalize same; send to Chris and Terry; correspondence with Ron regarding Otis Brown and Ray Sims cross examination; travel to Toledo.	225.00	6.75	1,518.75
06/10/2013	Meet with client. Prepare for trial. Attend trial. Prepare for next day of trial.	345.00	11.75	4,053.75
06/10/2013	Prep Terry for cross examination; attend Hearing; prepare cross examination documents for Otis Brown cross examination; review exhibits introduced by General Counsel; review notes of testimony of Mark Lockett and Ray Sims to document incidents and/or conversations Terry needs to address on his direct examination; number pages of Exhibits containing multiple pages per Judge's instructions.	225.00	12.75	2,868.75
06/11/2013	Attend trial. Prepare for next day of trial.	345.00	10.25	3,536.25
06/11/2013	Correspondence with Ron regarding Andre Joseph testimony in 10(k) hearing and admission during May 15 bargaining session that Company and union never had an agreement with respect to pension language; correspondence with Ron regarding notes of April 20, 2010 meeting between Company, union and Otis Brown regarding the grievances filed by Brown; attend Hearing; review General Counsel's exhibits introduced during the 2nd day of Hearing; review notes of testimony of Otis Brown and Miguel Rizo, Sr. for incidents/conversations Terry needs to address on his direct examination; draft and file corporate disclosure statement related to Local 1982's appeal in pension fund arbitration lawsuit in the 6th Circuit Court of Appeals.	225.00	14.75	3,318.75
06/12/2013	Attend trial. Prepare for next day of trial. Review and prepare correspondence regarding Sixth Circuit pleading. Review same for filing.	345.00	9.75	3,363.75
06/12/2013	Prep Chris for General Counsel's cross examination and our Direct examination; attend Hearing; review General Counsel's exhibits introduced during third day of Hearing; review notes of testimony of John Baker, Jr. for anything Chris and/or Terry need to address on direct examination that is not already in their outlines; review notes of Kevin Newcomer testimony for incidents/conversations that Terry needs to address that is not already in his outline; correspondence with Chris regarding John Baker, Jr.'s testimony and Company's bargaining notes from December 1, 2, 8 and 9, 2011; review Blakely outline and organize exhibits to be used during his direct examination; review and organize documents needed for Rizo, Jr. cross examination.	225.00	13.00	2,925.00
06/13/2013	Prepare opening statement. Attend trial.	345.00	8.50	2,932.50
06/13/2013	Prep Chris and Terry for Direct examination; attend Hearing; review General Counsel's exhibits introduced on the 4th day of trial; review notes of Miguel Rizo, Jr. testimony in order to determine whether Terry needs to address any topics not already covered in his witness outline; correspondence with Blakely regarding General Counsel's cross			

NLRB Case 08-CA-038092

		Rate	Hours	
	examination with respect to the Rizo, Jr. charge; review Leach outline and organize exhibits to be used during his direct examination.	225.00	10.00	2,250.00
06/14/2013	Attend trial. Return to Columbus.	345.00	9.25	3,191.25
06/14/2013	Prep Terry for direct examination; attend Hearing; travel home.	225.00	11.00	2,475.00
06/29/2013	Begin reading trial transcript.	225.00	1.75	393.75
	For Current Services Rendered		159.75	44,013.75

	Recapitulation		
<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	67.25	\$345.00	\$23,201.25
Partner	92.50	225.00	20,812.50

Expenses

06/09/2013	Mileage to/from Toledo, OH.	155.94
06/09/2013	Mileage to/from Toledo, OH.	151.42
06/10/2013	Meals during trial.	11.80
06/12/2013	Meals during trial.	10.16
06/14/2013	Meals while in Toledo, OH	26.16
06/14/2013	Travel expense - Hotel charges - 6-9 through 6-14 - Park Inn - Toledo - during trial - Aaron Tulencik.	686.21
06/14/2013	Travel expense - Hotel charges 6-9 through 6-14 - Park Inn - Toledo - during trial - Ron Mason.	687.50
	Total Expenses	1,729.19

Advances

06/01/2013	Online legal research - Lexis-Nexis.	282.04
06/09/2013	Parking in downtown Toledo, OH.	50.00
06/10/2013	Parking during trial from 6-19 to 6-14 - 5 days at \$6 per day.	30.00
06/10/2013	Parking.	11.00
06/11/2013	Parking.	22.00
	Total Advances	395.04

Total Current Work	46,137.98
Previous Balance	\$13,747.50

Payments

Total Payments Thru 06/30/2013	-13,747.50
Balance Due	<u>\$46,137.98</u>

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Fees

		Rate	Hours	
07/01/2013	Review Judge Carissimi's Order Admitting Respondent's Ex. 41 (12/9/11 Bargaining notes) into the Record; continue reading transcript and taking notes on witness testimony to be used in post-hearing brief.	225.00	4.25	956.25
07/02/2013	Read transcript and taking notes on witness testimony to be used in post-hearing brief.	225.00	3.75	843.75
07/09/2013	Continue to read transcript and take notes on witness testimony to be used in post-hearing brief.	225.00	6.25	1,406.25
07/10/2013	Read transcript and take notes on witness testimony to be used in Company's post-hearing brief; review Local 1982's Motion to exclude transcript testimony from Company's Reply Memorandum in 3:13-cv-868 (Lawsuit to compel arbitration over grievances).	225.00	4.75	1,068.75
07/11/2013	Continue reading transcript and taking notes on witness testimony to be used in post-hearing brief.	225.00	3.00	675.00
07/12/2013	Review, organize and index all exhibits (Joint, General Counsel and Respondent) used and introduced during trial in preparation for post hearing brief.	225.00	6.75	1,518.75
07/13/2013	Read transcript and take notes on witness testimony.	225.00	1.25	281.25
07/15/2013	Review and prepare correspondence. Work on NLRB brief and related research	345.00	3.75	1,293.75
07/16/2013	Read transcript and continue taking notes on witness testimony to be used in post-hearing brief.	225.00	4.25	956.25
07/18/2013	Continue to read transcript and take notes on witness testimony to be used in post-hearing brief.	225.00	6.75	1,518.75
07/20/2013	Continue reading transcript and taking notes of witness testimony.	225.00	4.25	956.25
07/22/2013	Read transcript and take notes on witness testimony in preparation to draft			

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		Rate	Hours	
	post-hearing brief.	225.00	2.25	506.25
07/24/2013	Continue to read trial transcript and take notes on witness testimony.	225.00	2.25	506.25
07/25/2013	Finish reading trial transcript and taking notes of witness testimony in preparation of drafting post Hearing brief.	225.00	2.75	618.75
07/26/2013	Work on NLRB brief.	345.00	3.25	1,121.25
07/28/2013	Perform legal research regarding latches defense and union steward's rights with respect to overtime work and/or right to be on Company property while other employees are providing overtime.	225.00	3.75	843.75
07/29/2013	Work on brief. Review and prepare numerous correspondence regarding transcripts issues with NLRB.	345.00	3.25	1,121.25
07/29/2013	Begin drafting Post-Hearing brief.	225.00	6.50	1,462.50
07/30/2013	Review and prepare numerous correspondence regarding union dues allegation in the Complaint. Work on brief issues.	345.00	2.25	776.25
07/30/2013	Continue drafting post hearing brief.	225.00	7.75	1,743.75
07/31/2013	Attend telephone conference call with Court per request of NLRB. Review and prepare brief.	345.00	1.75	603.75
07/31/2013	Conference call ALJ Carissimi and opposing counsel regarding possible motion to re-open record; continue drafting post-hearing brief; review Daily time logs and gate records to determine days Otis Brown worked from April 2008 thru November 2008.	225.00	6.50	1,462.50
	For Current Services Rendered		91.25	22,241.25

Recapitulation			
Title	Hours	Rate	Total
Senior Partner	14.25	\$345.00	\$4,916.25
Partner	77.00	225.00	17,325.00

Total Current Work 22,241.25

Previous Balance \$46,137.98

Payments

Total Payments Thru 07/31/2013 -46,137.98

Balance Due \$22,241.25

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Fees

		Rate	Hours	
08/19/2013	Continue drafting Post Hearing Brief in 8-CA-38092, et al.	245.00	1.75	428.75
08/20/2013	Continued work on Post Hearing Brief in 8-CA-38092, et al; prep for Hearing per Judge Carissimi's Order re-opening record to take evidence related to dues checkoff.	245.00	3.75	918.75
08/21/2013	Travel to Toledo. Attend NLRB trial. Return to Columbus.	345.00	8.50	2,932.50
08/21/2013	Travel to Toledo. Attend NLRB trial. Return to Columbus.	245.00	8.50	2,082.50
08/22/2013	Continue drafting Post Hearing Brief in 8-CA-038092, et al.	245.00	1.00	245.00
	For Current Services Rendered		23.50	6,607.50

	Recapitulation		
Title	Hours	Rate	Total
Senior Partner	8.50	\$345.00	\$2,932.50
Partner	15.00	245.00	3,675.00

Expenses

08/21/2013	Mileage to/from Toledo, OH.	135.04
08/21/2013	Meals while traveling.	16.38
	Total Expenses	151.42

Advances

08/21/2013	Parking at Court - Toledo, OH	6.00
08/21/2013	Parking at Court.	6.00
	Total Advances	12.00

Total Current Work	6,770.92
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Previous Balance	\$22,241.25
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NLRB Case 08-CA-038092

Payments

Total Payments Thru 08/31/2013

-22,241.25

Balance Due

\$6,770.92

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Fees

		Rate	Hours	
09/05/2013	Work on post hearing brief. Review transcript and legal research.	345.00	4.75	1,638.75
09/05/2013	Continue drafting post hearing brief.	245.00	1.75	428.75
09/06/2013	Work on post hearing brief.	245.00	2.75	673.75
09/08/2013	Continue drafting Post Hearing Brief.	245.00	5.25	1,286.25
09/10/2013	Work on NLRB post trial brief.	345.00	3.25	1,121.25
09/11/2013	Continue drafting post hearing brief.	245.00	8.25	2,021.25
09/12/2013	Work on NLRB post hearing brief.	345.00	2.75	948.75
09/12/2013	Continue drafting post hearing brief; read transcript of one day hearing (Re-opening of record for evidence on union dues); perform legal research regarding waiver.	245.00	7.75	1,898.75
09/13/2013	Work on post hearing brief.	345.00	4.75	1,638.75
09/13/2013	Finish drafting post hearing brief; review, edit and finalize brief; file same with Board via e-file.	245.00	15.25	3,736.25
	For Current Services Rendered		56.50	15,392.50

	Recapitulation		
<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	15.50	\$345.00	\$5,347.50
Partner	41.00	245.00	10,045.00

Advances

09/01/2013	Transcription fees - hearing transcript - 8/21/13 hearing.	425.00
	Total Advances	425.00

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Total Current Work	15,817.50
Previous Balance	\$6,770.92
<u>Payments</u>	
Total Payments Thru 09/30/2013	-6,770.92
Balance Due	<u>\$15,817.50</u>

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12/01/2013

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NLRB Case 08-CA-038092

Fees

		Rate	Hours	
11/13/2013	Review NLRB decision. Review and prepare numerous correspondence. Interoffice conferences on appeal issues.	345.00	3.25	1,121.25
11/13/2013	Review and analyze ALJ's decision in 8-CA-38092, et al.	245.00	1.25	306.25
11/14/2013	Research Latches issue for NLRB appeal. Review and prepare correspondence. Interoffice conferences.	345.00	3.75	1,293.75
	For Current Services Rendered		8.25	2,721.25

	Recapitulation			
<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>	
Senior Partner	7.00	\$345.00	\$2,415.00	
Partner	1.25	245.00	306.25	

Total Current Work	2,721.25
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Previous Balance	\$15,817.50
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Payments

Total Payments Thru 11/30/2013	-15,817.50
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Balance Due	<u>\$2,721.25</u>
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Fees

		Rate	Hours	
12/04/2013	Review Carissimi decision in preparation for filing of exceptions.	245.00	0.50	122.50
	For Current Services Rendered		0.50	122.50

<u>Title</u>	Recapitulation <u>Hours</u>	<u>Rate</u>	<u>Total</u>
Partner	0.50	\$245.00	\$122.50

Total Current Work	122.50
Previous Balance	\$2,721.25

Payments

Total Payments Thru 12/31/2013	-2,721.25
Balance Due	<u>\$122.50</u>

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NLRB Case 08-CA-038092

Fees

		Rate	Hours	
01/02/2014	Work on appeal of NLRB decision.	345.00	3.25	1,121.25
01/03/2014	Continue work on appeal of NLRB decision. Research.	345.00	2.75	948.75
01/06/2014	Continue work on appeal.	345.00	4.75	1,638.75
01/06/2014	Review time records and gate logs for June, July and August 2008 establish that on numerous days where Otis Brown was not hired he either did not attend shape-up or only those individuals ahead of him on the regular list were hired; continue review Judge Carissimi's Decision; begin drafting Exceptions and brief in Support.	245.00	7.25	1,776.25
01/07/2014	Continue work on brief. Interoffice conferences regarding same.	345.00	2.75	948.75
01/07/2014	Continue drafting Exceptions and Brief and Brief in Support.	245.00	6.75	1,653.75
01/09/2014	Work on NLRB appeal issues.	345.00	3.75	1,293.75
01/09/2014	Continued work on Exceptions and Brief and Brief in Support to Judge Carissimi's Decision.	245.00	8.25	2,021.25
01/10/2014	Finish work on NLRB appeal issues. Final reviews and edits before filing.	345.00	4.25	1,466.25
01/10/2014	Finish drafting Exceptions and Brief in Support; review, edit and finalize same; draft table of contents and table of authorities; review, edit and finalize; file with Board via e-file.	245.00	11.75	2,878.75
01/14/2014	Review Counsel for the General Counsel's Exceptions to Judge Carissimi's Decision; review Judge Carissimi's Decision related to bargaining and assignment of work from April 2009 through May 13, 2009.	245.00	1.50	367.50
01/15/2014	Review General Counsel's post hearing brief (bargaining and assignment of work from April 1, 2009 through May 13, 2009.	245.00	0.75	183.75
01/16/2014	Begin reviewing and sheperdizing case law cite by Judge Carissimi and the General Counsel related to bargaining.	245.00	4.25	1,041.25

NLRB Case 08-CA-038092

		Rate	Hours	
01/17/2014	Continue reviewing case law cite by Judge Carissimi and the General Counsel related to bargaining.	245.00	2.25	551.25
01/20/2014	Review General Counsel's Post Hearing Brief regarding bargaining and assignment of work from April 1, 2009 through May 13, 2009 to ensure General Counsel did not make new arguments in its Exceptions; continue reviewing and analyzing case law cited by General Counsel and Judge Carissimi related to bargaining and assignment of work in April and May 2009; begin working on Answering Brief to General Counsel's Exceptions and Brief in Support.	245.00	3.75	918.75
01/22/2014	Work on brief to NLRB.	345.00	3.75	1,293.75
01/22/2014	Continue working on Answering Brief to General Counsel's Exceptions and Brief in Support; review case law distinguishing cases relied upon by General Counsel.	245.00	5.75	1,408.75
01/23/2014	Work on brief. Review and edit. Interoffice conferences regarding same.	345.00	4.25	1,466.25
01/23/2014	Continue drafting Answering Brief to General Counsel's Exceptions and Brief in Support.	245.00	8.75	2,143.75
01/24/2014	Finish drafting Answering Brief to General Counsel's Exceptions and Brief in Support; draft table of contents and table of authorities, review, edit and finalize same; file with NLRB via e-file.	245.00	4.75	1,163.75
	For Current Services Rendered		95.25	26,286.25

Recapitulation			
Title	Hours	Rate	Total
Senior Partner	29.50	\$345.00	\$10,177.50
Partner	65.75	245.00	16,108.75

Total Current Work 26,286.25

Previous Balance \$122.50

Payments

Total Payments Thru 01/31/2014 -122.50

Balance Due \$26,286.25

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NLRB Case 08-CA-038092

Fees

		Rate	Hours	
02/21/2014	Review General Counsel's Answering Brief; Review ALJ Carissimi's Decision; prepare and draft Reply Brief in Case No. 8-CA-38092, et al; review, edit and finalize same; e-file.	245.00	8.75	2,143.75
	For Current Services Rendered		8.75	2,143.75

Title
 Partner

Recapitulation

Hours
 8.75

Rate
 \$245.00

Total
 \$2,143.75

Total Current Work	2,143.75
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Previous Balance	\$26,286.25
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Payments

Total Payments Thru 02/28/2014	-26,286.25
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Balance Due	<u>\$2,143.75</u>
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Previous Balance		\$2,143.75
	<u>Payments</u>	
Total Payments Thru 03/31/2014		-2,143.75
Balance Due		<u>\$0.00</u>

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07/01/2015

Account No: 315-10M
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DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
06/11/2015	Prepare filings for appeal of NLRB case in D.C. Circuit court; file same.	255.00	1.75	446.25
06/16/2015	Review NLRB documents on cross appeal (DC Circuit Appeal).	355.00	1.50	532.50
	For Current Services Rendered		3.25	978.75

Recapitulation

<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	1.50	\$355.00	\$532.50
Partner	1.75	255.00	446.25

Advances

05/06/2015	Filing fee - US Ct. of Appeals, DC Circuit - Petition for Review of Decision.	500.00
05/06/2015	FED EX appeal pleadings to U.S. Court of Appeals for filing.	41.01
	Total Advances	541.01
	Total Current Work	1,519.76
	Balance Due	<u>\$1,519.76</u>

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**DUE UPON
RECEIPT**

FILED
9-1-15

FILED
9-1-15

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09/01/2015

Account No: 315-10M
Statement No: 4478

DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
08/03/2015	Correspondence with NLRB regarding Motion for Stay pending mediation in D.C. Circuit Court of Appeals. Correspondence with NLRB regarding Motion for Stay pending mediation in D.C. Circuit Court of Appeals.	255.00	0.50	127.50
08/04/2015	Continued correspondence with NLRB regarding Motion to Stay; Prepare Motion for Stay; review, edit, finalize and file same.	255.00	0.75	191.25
08/05/2015	Review Court orders regarding mediation.	355.00	0.50	177.50
08/20/2015	Correspondence with mediator regarding meditation statement.	255.00	0.50	127.50
08/26/2015	Correspondence with mediator and opposing counsel regarding Board order being appealed and Region 8's request for payroll records in order to comprise backpay calculations.	255.00	0.75	191.25
	For Current Services Rendered		3.00	815.00

Recapitulation

<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	0.50	\$355.00	\$177.50
Partner	2.50	255.00	637.50

Total Current Work	815.00
Previous Balance	\$1,519.76
Balance Due	<u>\$2,334.76</u>

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DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
09/03/2015	Correspondence with NLRB regarding information requested by NLRB to perform backpay calculation in preparation for mediation in D.C. Circuit Court of Appeals.	255.00	0.50	127.50
09/04/2015	Correspondence with client regarding information requested by NLRB in preparation for mediation in D.C. Circuit Court of Appeals.	255.00	0.50	127.50
09/08/2015	Correspondence with NLRB regarding mediation.	255.00	0.25	63.75
09/11/2015	Prepare mediation statement to be submitted to mediator; review, edit and finalize same.	255.00	1.75	446.25
09/13/2015	Correspondence with mediator regarding mediation statement.	255.00	0.25	63.75
09/15/2015	Continued correspondence with mediator regarding mediation statement.	255.00	0.25	63.75
09/16/2015	Conference with client.	355.00	0.50	177.50
09/16/2015	Correspondence with NLRB regarding backpay calculations; correspondence with client regarding outstanding information to be submitted to NLRB; review pay rate information submitted by client.	255.00	3.25	828.75
09/17/2015	Correspondence with mediator regarding mediation and NLRB's position; submitted by NLRB; correspondence with NLRB and mediator regarding same; begin reviewing calculations; correspondence with client regarding outstanding information to be submitted to NLRB.	255.00	7.75	1,976.25
09/18/2015	Lengthy discussions and review and prepare numerous correspondence regarding NLRB and DC Circuit decisions that affect settlement issues.	355.00	2.25	798.75
09/18/2015	Continue correspondence with mediator; continued correspondence with NLRB regarding back pay calculations; continued review of back pay calculations; review information			

DC Circuit Ct of Appeals (Trial No. 1)

		Rate	Hours	
	submitted by client and send same to NLRB; correspondence with client regarding pay rate for crane operators.	255.00	7.25	1,848.75
09/22/2015	Review and prepare correspondence. Conferences with mediator.	355.00	1.50	532.50
09/22/2015	Correspondence with mediator.	255.00	0.25	63.75
09/25/2015	Review and prepare numerous correspondence regarding mediation issues.	355.00	0.75	266.25
09/25/2015	Correspondence with NLRB regarding mediation and briefing; correspondence with mediator regarding same.	255.00	0.50	127.50
09/28/2015	Prepare Motion to Stay; review, edit, finalize and file same with D.C. Circuit Court of Appeals.	255.00	0.50	127.50
	For Current Services Rendered		28.00	7,640.00

Recapitulation			
<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	5.00	\$355.00	\$1,775.00
Partner	23.00	255.00	5,865.00

Total Current Work	7,640.00
Previous Balance	\$2,334.76

Payments

Total Payments	-1,519.76
Balance Due	<u>\$8,455.00</u>

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11-2-15

Midwest Terminals of Toledo International
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Maumee OH 43537

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11/01/2015
Account No: 315-10M
Statement No: 4521

DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
10/02/2015	Review and prepare correspondence. Conference with Mediator.	355.00	1.00	355.00
10/16/2015	Review and prepare correspondence with Federal Mediator. Conference with Federal Mediator. Review NLRB brief in Motion to Reconsider Southwest. Begin work to prepare for mediation.	355.00	4.25	1,508.75
10/19/2015	Review and prepare numerous correspondence. Conference with Federal Mediator.	355.00	1.75	621.25
10/23/2015	Travel to Washington, DC. Attend mediation with NLRB. Return to Ohio.	355.00	11.25	3,993.75
	For Current Services Rendered		18.25	6,478.75

<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	18.25	\$355.00	\$6,478.75

Expenses

10/23/2015	Travel expense - rental car in Manassas, VA.	53.39
10/23/2015	Travel to Manassas, VA (Washington, DC trip).	1,172.50
	Total Expenses	1,225.89

Advances

10/23/2015	Parking meter in Washington, DC	6.00
	Total Advances	6.00
	Total Current Work	7,710.64
	Previous Balance	\$8,455.00

Balance Due

\$16,165.64

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12/01/2015
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Statement No: 4547

DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
11/02/2015	Begin working on appellate brief.	255.00	2.75	701.25
11/03/2015	Continue working on appeal brief.	255.00	3.50	892.50
11/04/2015	Prepare and draft motion for Indefinite Stay pending the Court's final disposition of NLRB v. Southwest General; review, edit, finalize and file same with D.C. Circuit Clerk of Court via e-file.	255.00	0.75	191.25
11/05/2015	Continue drafting appellate brief in D.C.Circuit litigation.	255.00	4.25	1,083.75
11/06/2015	Continued work on appeal brief.	255.00	5.25	1,338.75
11/07/2015	Work on appellate brief in D.C. Circuit litigation.	255.00	1.75	446.25
11/08/2015	Continue drafting appellate brief.	255.00	7.50	1,912.50
11/09/2015	Continue drafting appellate brief; correspondence with Clerk of Court and opposing counsel regarding Stay.	255.00	3.75	956.25
	For Current Services Rendered		29.50	7,522.50

Recapitulation

<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Partner	29.50	\$255.00	\$7,522.50

Advances

11/02/2015	Online legal research - Lexis-Nexis - Oct. 2015	118.67
11/06/2015	FED EX - Pleadings to Washington, DC for filing.	35.34
	Total Advances	154.01

Midwest Terminals of Toledo International

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12/01/2015

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DC Circuit Ct of Appeals (Trial No. 1)

Total Current Work	7,676.51
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Previous Balance	\$16,165.64
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Payments

Total Payments	-815.00
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Balance Due	<u>\$23,027.15</u>
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4-1-16

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04/01/2016
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DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
03/07/2016	Review Court Order. Analysis of same. Research NLRB cases on the appeal issue.	360.00	1.75	630.00
	For Current Services Rendered		1.75	630.00
	<u>Title</u>		<u>Hours</u>	<u>Rate</u>
	Senior Partner		1.75	\$360.00
				<u>Total</u>
				\$630.00

Advances

12/17/2015	Online legal research - Lexis-Nexis.	83.10
	Total Advances	83.10
	Total Current Work	713.10
	Previous Balance	\$23,027.15

Payments

Total Payments	-23,027.15
Balance Due	<u>\$713.10</u>

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DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
03/22/2017	Review Supreme Court decision in SW General v. NLRB. Analysis of same. Research case law.	365.00	4.25	1,551.25
03/23/2017	Correspondence to client setting forth analysis of decision.	365.00	1.50	547.50
03/28/2017	Conference with NLRB Counsel. Review Motion to Vacate and Remand filed by NLRB.	365.00	1.25	456.25
	For Current Services Rendered		7.00	2,555.00

Title

Senior Partner

Recapitulation

Hours

7.00

Rate

\$365.00

Total

\$2,555.00

Total Current Work	2,555.00
Previous Balance	\$713.10

Payments

Total Payments	-713.10
Balance Due	<u>\$2,555.00</u>

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05/01/2017

Account No: 315-10M
Statement No: 4897

DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
04/06/2017	Begin work on Reply Brief to NLRB Motion to Remand Case back to NLRB.	365.00	2.75	1,003.75
04/07/2017	Continue to work on Brief in Opposition to Remand. Research NLRB cases cited in their brief.	365.00	2.25	821.25
04/10/2017	Review and prepare correspondence to NLRB regarding DC Circuit decisions pending regarding Supreme Court decision. Conference with counsel with similar case. Work on Brief in DC Circuit in Opposition to Remand.	365.00	2.50	912.50
04/17/2017	Begin drafting brief. Research.	365.00	4.75	1,733.75
04/19/2017	Continue to work on brief.	365.00	5.75	2,098.75
04/20/2017	Continue to work on brief.	365.00	3.75	1,368.75
04/21/2017	Work on brief. Finish draft. Edit same. Forward to Aaron for Review. Finalize and file same.	365.00	10.25	3,741.25
04/21/2017	Review, edit and finalize Response in Opposition to Remand Case to Board; file same with Court.	265.00	1.50	397.50
04/25/2017	Conference with attorney for NLRB. Prepare correspondence to NLRB seeking dismissal of case.	365.00	1.50	547.50
04/27/2017	Review and analysis of NLRB Reply Brief on Motion to Remand. Research.	365.00	1.25	456.25
	For Current Services Rendered		36.25	13,081.25

Title	Recapitulation		Total
	Hours	Rate	
Senior Partner	34.75	\$365.00	\$12,683.75
Partner	1.50	265.00	397.50

DC Circuit Ct of Appeals (Trial No. 1)

Total Current Work	13,081.25
Previous Balance	\$2,555.00
Balance Due	<u>\$15,636.25</u>

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8-1-17

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08/01/2017

Account No: 315-10M

Statement No: 4955

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DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
07/14/2017	Review decision of Court vacating NLRB decision and remanding to NLRB. Review and prepare correspondence. Interoffice conference regarding same. Conference with Counsel in Newark Electric who has similar case before DC Circuit. Research.	370.00	3.50	1,295.00
07/14/2017	Review D.C. Circuit Court of Appeals Decision in Case No. 15-1126; correspondence with client regarding same.	270.00	0.50	135.00
07/17/2017	Prepare and review several correspondence regarding impact of decision and appeal.	370.00	0.75	277.50
07/17/2017	Continued correspondence with client regarding D.C. Circuit Court Decision.	270.00	0.25	67.50
07/25/2017	Review and prepare numerous correspondence. Work on Motion for En Banc appeal. Research. Conference with Court.	370.00	5.25	1,942.50
07/26/2017	Work on Motion to Recall Mandate. Review and prepare several correspondence. Research.	370.00	6.25	2,312.50
07/28/2017	Work on Motion to Revoke Mandate. Research.	370.00	5.25	1,942.50
	For Current Services Rendered		21.75	7,972.50

Recapitulation

<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	21.00	\$370.00	\$7,770.00
Partner	0.75	270.00	202.50

Total Current Work

7,972.50

Previous Balance

\$15,636.25

DC Circuit Ct of Appeals (Trial No. 1)

Payments

Total Payments

-15,636.25

Balance Due

\$7,972.50

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09/01/2017

Account No: 315-10M

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DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
08/01/2017	Review and prepare numerous correspondence. Work on Motion to recall mandate and for stay.	370.00	8.25	3,052.50
08/01/2017	Begin editing motion to recall mandate.	270.00	0.75	202.50
08/02/2017	Work on Motion to Recall Mandate.	370.00	6.75	2,497.50
08/03/2017	Research. Finish draft. Edit same and file Motion to Recall Mandate.	370.00	9.75	3,607.50
08/03/2017	Finish editing motion to recall mandate; correspondence with Messr. Mason regarding same; label exhibits and file same with Court.	270.00	2.75	742.50
08/04/2017	Begin research attorney fees from NLRB. Start document review.	370.00	4.50	1,665.00
08/07/2017	Work on attorney fees research.	370.00	2.75	1,017.50
08/11/2017	Work on Motion for attorney fees against the NLRB.	370.00	5.25	1,942.50
08/11/2017	Perform legal research regarding Equal Access to Justice Act ("EAJA"); correspondence with Messr. Mason regarding same.	270.00	2.75	742.50
08/12/2017	Continued legal research regarding EAJA.	270.00	6.75	1,822.50
08/13/2017	Continue to work on motion for attorney fees.	370.00	6.25	2,312.50
08/13/2017	Continued legal research regarding EAJA; begin drafting motion for fees.	270.00	7.50	2,025.00
08/14/2017	Work on attorney fees issues.	370.00	7.25	2,682.50
08/14/2017	Continue drafting motion for fees; prepare affidavit for Alex Johnson and Messr. Mason regarding same; correspondence with Messr. Mason throughout the day regarding same	270.00	15.25	4,117.50
08/22/2017	Review and prepare correspondence regarding Petition for Enclosure Banc Hearing.	370.00	0.25	92.50

DC Circuit Ct of Appeals (Trial No. 1)

08/25/2017	Work on Petition for En Banc appeal.	Rate 370.00	Hours 6.25	2,312.50
08/26/2017	Work on Petition for En Banc appeal.	370.00	9.75	3,607.50
08/27/2017	Continue to work on Petition for En Banc appeal.	370.00	11.50	4,255.00
08/28/2017	Final review and edits and locate and attach all exhibits and file same.	370.00	5.75	2,127.50
09/11/2017	Interoffice conference			
	For Current Services Rendered		<u>120.00</u>	<u>40,825.00</u>

	<u>Title</u>	<u>Recapitulation</u> <u>Hours</u>	<u>Rate</u>	<u>Total</u>
	Senior Partner	84.25	\$370.00	\$31,172.50
	Partner	35.75	270.00	9,652.50

Total Current Work	40,825.00
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Previous Balance	\$7,972.50
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Payments

Total Payments	-7,972.50
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Balance Due	<u>\$40,825.00</u>
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10-2-17

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10/01/2017
Account No: 315-10M
Statement No: 5006

DC Circuit Ct of Appeals (Trial No. 1)

Fees

		Rate	Hours	
09/05/2017	Correspondence with Messr. Mason regarding the possible amount of recoverable fees from the NLRB.	270.00	0.75	202.50
09/08/2017	Prepare motion for fees to be filed in D.C. Circuit.	270.00	3.75	1,012.50
09/11/2017	Continue drafting motion for fees to be filed in D.C. Circuit.	270.00	4.25	1,147.50
09/12/2017	Continue drafting for fees to be filed in D.C. Circuit.	270.00	4.25	1,147.50
09/13/2017	Continue working on motion for fees to be filed in D.C. Circuit.	270.00	3.50	945.00
09/14/2017	Continue drafting Motion for Fees against NLRB in D.C. Circuit	270.00	4.75	1,282.50
09/15/2017	Perform legal research regarding fees in EAJA cases and cost of living increases for Ohio attorneys; recalculate fees using Consumer Price Index All Urban Consumers, U.S. City Average.	270.00	7.75	2,092.50
09/18/2017	Continue drafting Motion for Fees against NLRB.	270.00	3.50	945.00
09/28/2017	Review Orders from Court. Prepare correspondence. Interoffice conference.	370.00	0.75	277.50
	For Current Services Rendered		33.25	9,052.50

Recapitulation

<u>Title</u>	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Senior Partner	0.75	\$370.00	\$277.50
Partner	32.50	270.00	8,775.00

Total Current Work	9,052.50
Previous Balance	\$40,825.00
Balance Due	<u>\$49,877.50</u>

Consumer Price Index
 All Urban Consumers (CPI-U)
 U.S. City Average
 All Items
 1982-84=100

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Avg	Percent Change	
														Dec.-Dec.	Avg.-Avg.
1990	127.4	128.0	128.7	128.9	129.2	129.9	130.4	131.6	132.7	133.5	133.8	133.8	130.7	6.1	5.4
1991	134.6	134.8	135.0	135.2	135.6	136.0	136.2	136.6	137.2	137.4	137.8	137.9	136.2	3.1	4.2
1992	138.1	138.6	139.3	139.5	139.7	140.2	140.5	140.9	141.3	141.8	142.0	141.9	140.3	2.9	3.0
1993	142.6	143.1	143.6	144.0	144.2	144.4	144.4	144.8	145.1	145.7	145.8	145.8	144.5	2.7	3.0
1994	146.2	146.7	147.2	147.4	147.5	148.0	148.4	149.0	149.4	149.5	149.7	149.7	148.2	2.7	2.6
1995	150.3	150.9	151.4	151.9	152.2	152.5	152.5	152.9	153.2	153.7	153.6	153.5	152.4	2.5	2.8
1996	154.4	154.9	155.7	156.3	156.6	156.7	157.0	157.3	157.8	158.3	158.6	158.6	156.9	3.3	3.0
1997	159.1	159.6	160.0	160.2	160.1	160.3	160.5	160.8	161.2	161.6	161.5	161.3	160.5	1.7	2.3
1998	161.6	161.9	162.2	162.5	162.8	163.0	163.2	163.4	163.6	164.0	164.0	163.9	163.0	1.6	1.6
1999	164.3	164.5	165.0	166.2	166.2	166.2	166.7	167.1	167.9	168.2	168.3	168.3	166.6	2.7	2.2
2000	168.8	169.8	171.2	171.3	171.5	172.4	172.8	172.8	173.7	174.0	174.1	174.0	172.2	3.4	3.4
2001	175.1	175.8	176.2	176.9	177.7	178.0	177.5	177.5	178.3	177.7	177.4	176.7	177.1	1.6	2.8
2002	177.1	177.8	178.8	179.8	179.8	179.9	180.1	180.7	181.0	181.3	181.3	180.9	179.9	2.4	1.6
2003	181.7	183.1	184.2	183.8	183.5	183.7	183.9	184.6	185.2	185.0	184.5	184.3	184.0	1.9	2.3
2004	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3	188.9	3.3	2.7
2005	190.7	191.8	193.3	194.6	194.4	194.5	195.4	196.4	198.8	199.2	197.6	196.8	195.3	3.4	3.4
2006	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8	201.6	2.5	3.2
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036	207.342	4.1	2.8
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228	215.303	0.1	3.8
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949	214.537	2.7	-0.4
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179	218.056	1.5	1.6
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672	224.939	3.0	3.2
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601	229.594	1.7	2.1
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049	232.957	1.5	1.5
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	234.812	236.736	0.8	1.6
2015	233.707	234.722	236.119	236.599	237.805	238.638	238.654	238.316	237.945	237.838	237.336	236.525	237.017	0.7	0.1
2016	236.916	237.111	238.132	239.261	(r)240.229	(r)241.018	(r)240.628	(r)240.849	241.428	241.729	241.353	241.432	240.007	2.1	1.3
2017	242.839	243.603	243.801	244.524	244.733	244.955	244.786	245.519							

(r) Revised.

Moler Reporting Service, Inc.

2115 Harker Waits Road

Williamsburg, OH 45176

(937) 444-4565

I N V O I C E

Date: 3-4-13

TO: AARON T. TULENCIK ESQ. RE: Midwest Terminals

RON MASON, ESQ.

425 Metro Place North

Dublin, OH 43017

CASE NO. 8-CA-038581

Tax ID No. 31- 1428673

Transcript of June 10 through 15 NLRB Hearing

942 pages

\$2637.60

Shipping: 0.0

TOTAL DUE: \$2637.60

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Thank you,

Kim B. Moler